

EXHIBIT A

NO. 22-CCV-070378

RICHARD P. JONES, § IN THE COUNTY COURT
MICHAEL JOSEPH BITGOOD §
A/K/A/ "Michael Easton", and §
LEWIS, BRISBOIS, BISGAARD & §
SMITH LLP §
Plaintiffs §

VS. § AT LAW NO. THREE (3) OF
§

KARINA MARTINEZ, §
MARIANNA SULLIVAN, §
IMPERIAL LOFTS, LLC, §
IMPERIAL LOFTS OWNER LLC §
DAVID OUBRE, §
LEWIS, BRISBOIS, BISGAARD &
SMITH LLP, a California Foreign LLP

Defendants

FORT BEND COUNTY, TEXAS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is a Rule 12, Tex. R. Civ. Proc. Motion, brought by the Plaintiffs' against David Oubre, and Lewis Brisbois, Bisgaard & Smith LLP, a California Foreign LLP.

On September 13th 2022, the Court conducted an evidentiary hearing, and now enters the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. Lewis Brisbois, Bisgaard & Smith LLP, (California) and David

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Oubre, filed an answer for defendants' Martinez, Sullivan, and Imperial Lofts LLC, on March 11th 2022.

2. Lewis Brisbois, Bisgaard and Smith LLP, (California) lacked the authority to appear in a Texas Court on March 11th 2002, and by judicial admission admitted that they did not submit an application to do business in Texas until at least March 28th 2022.

3. At the evidentiary hearing, David Oubre failed to present any evidence whatsoever to overcome the sworn Rule 12 challenge, despite this Court inviting him repeatedly to do so; inviting him to put on testimonial evidence, or, to re-open after he had rested his case.

4. The only testimonial evidence put on at the hearing, was the sworn testimony of Plaintiff, Michael Joseph Bitgood, a/k/a/ Michael Easton, as the President of Lewis Brisbois, Bisgaard and Smith LLP, a domestic Texas LLP. Despite the extensive testimony and narrative of Mr. Easton, Mr. Oubre, did not cross-examine the Plaintiff on any of matters that Easton testified to. Thus, the Court credits Mr. Easton's testimony as credible and conclusive.

5. After Mr. Oubre rested his case, Easton asked the Court to take

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judicial notice of the contents of the Court's file, which the Court did.

6. At no time during his case in chief, did Mr. Oubre ask the Court to take judicial notice of anything.

7. At no time during his case- in- chief did Mr Oubre mark or offer a single solitary exhibit.

8. At no time during his case-in-chief, did Mr. Oubre offer any witnesses, or offer any evidence of any kind.

9. At the close of his case-in-chief, the Court offered Mr. Oubre a chance to re-open; Mr. Oubre declined the Court's invitation, and told the Court that he had no witnesses.

II. CONCLUSIONS OF LAW

1. Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre failed to discharge their obligations under Rule 12.

2. The Court removed Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre from this case, and as mandated by law, and struck the pleadings filed by them as mandated by law.

3. The Court removed Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre because they failed to show authority to

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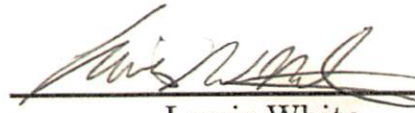
appear.

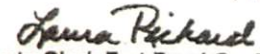
4. The Court articulated, very clearly, on the record, that it also sustained the alternative grounds under Rule 12, namely that Lewis Brisbois, Bisgaard & Smith LLP, (California), and David Oubre, could not represent a corporation under Texas law, and then represent additional parties .

5. The failure of Mr. Oubre to put on evidence to rebut everything the Court heard and took judicial notice of after he rested his case, was FATAL to his position, and left the Court with no other choice but to remove him, and his law firm, and to strike the pleadings.

6. Any finding of fact which may be deemed a conclusion of law is hereby adopted as such, and, any conclusion of law which may be deemed a finding of fact, is hereby adopted as such.

Signed this 27 day of September 2022, at Richmond, Fort Bend County, Texas.


Lewis White
Presiding Judge

FILED FOR RECORD
NO _____ TIME 2:00 P.M.
SEP 27 2022 mm

County Clerk Fort Bend Co. Texas

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